PTO/SB/22 (07-09)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless if displays a valid OMB control number.

| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2009 | | Docket Number (Optional) SPINE 3.0-437 PPPPPPP I C I | |
|---|---------------------|---|------------------|
| (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) | | 31 INE 3.0-40 | 711111111111 |
| Application Number 10/663,493-Conf. #2440 | | Filed Sept | tember 16, 2003 |
| For INTERVERTEBRAL SPACER DEVICE HAVING AN ANGLED PERIMETER FOR MANIPULATION USING A SURGICAL TOOL | | | |
| Art Unit 3738 | | Examiner | B. E. Pellegrino |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. | | | |
| The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): | | | |
| X One month (37 CFR 1.17(a)(1)) | <u>Fee</u> \$130 | Small Entity Fee \$65 | \$ 130.00 |
| Two months (37 CFR 1.17(a)(2)) | \$490 | \$245 | \$ |
| Three months (37 CFR 1.17(a)(3)) | \$1110 | \$555 | \$ |
| Four months (37 CFR 1.17(a)(4)) | \$1730 | \$865 | \$ |
| Five months (37 CFR 1.17(a)(5)) | \$2350 | \$1175 | \$ |
| Applicant claims small entity status. See 37 CFR 1.27. | | | |
| A check in the amount of the fee is enclosed. | | | |
| Payment by credit card. Form PTO-2038 is attached. | | | |
| The Director has already been authorized to charge fees in this application to a Deposit Account. | | | |
| The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to | | | |
| Deposit Account Number12-1095 | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | |
| I am the applicant/inventor. | | | |
| assignee of record of the entire interest. See 37 CFR 3.71. | | | |
| Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96). X attorney or agent of record. Registration Number. 58 653 | | | |
| attorney or agent of record. Regis | tration Number | 58,653 | |
| attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 | | | |
| | | | |
| /William A. Di Bianca/ Signature | | January 15, 2010 Date | |
| William A. Di Bianca | | (908) 654-5000 | |
| Typed or printed name | | Telephone Number | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | |
| Total of forms are submitted. | | | |

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: January 15, 2010

Electronic Signature for William A. Di Bianca: /William A. Di Bianca/